THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14760 of 2007

DATE: 23-08-2007

Between :

M.Ramulu

… Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Secretary to Government,
Hyderabad and 5 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14760 of 2007

ORDER:

The petitioner herein is the fair price shop dealer of Mahammadapur village, Panagal Mandal, Mahaboobnagar District. By order dated 06-10-2004 passed by the 3rd respondent-District Collector, Mahboobnagar the said fair price shop was bifurcated. Aggrieved by the same, the petitioner preferred an appeal before the 2nd respondent-Director of Civil Supplies. After hearing both the parties, the said appeal was allowed by order dated 16-07-2005 thereby setting aside the 3rd respondent's order dated 06-10-2004. Questioning the said order the 6th respondent herein, who is a cardholder preferred a revision petition before the 1st respondent. Having entertained the said revision petition, the 1st respondent by order dated 02-05-2007 granted stay of operation of the order of the 2nd respondent. Hence, this writ petition.

This Court, while directing Rule nisi by order, dated 10-07-2007, suspended the impugned order dated 02-05-2007.

On behalf of the official respondents as well as the 6th respondent separate counter affidavits have been filed.

I have heard the learned counsel for both the parties.

Though the learned counsel for the petitioner raised various contentions on merits, including the maintainability of the revision petition, I am not inclined to express any opinion on merits since admittedly the main revision petition is pending before the first respondent. It is always open to both the parties to urge all the points,

both on facts and law before the 1st respondent, in which event the same will be decided in accordance with law.

So far as the interim order pending revision is concerned, it is to be noted that this Court has suspended the impugned order on 10-07-2007, and the same continues to be in operation all through. Hence, I deem it appropriate to maintain the same arrangement till the revision petition is decided on merits.

Accordingly, while leaving it open to both the parties to raise all the grounds as available under law before the 1st respondent, the impugned order dated 02-05-2007 is set aside and the writ petition is disposed of. No costs.

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G. ROHINI, J

Date:23-08-2007
KLP